

## Euthanasia and theology

*The debate over active and passive euthanasia is closely related to how one defines the human person. The human person involves more than self-consciousness and the ability to communicate. The final criterion of the goodness and rightness of an action is intention.*

"Der erneute Streit um die Euthanasie—Theologisch-Ethische Aspekte," *Die Zeitschrift für Katholische Theologie* 114 (1992) 425-39.

**C**oncern about what it means to be a person in the light of the renewed interest in active and passive euthanasia is of interest not only to theology but also to medicine and law.

The renewed debate has been inspired by a number of authors and books, but most notably the work of Australian philosopher, Peter Singer (*Practical Ethics*, 1979). As Jews, Singer's parents had to flee the Nazis, and his grandparents were murdered by Nazis.

Singer has asked: "Why is killing objectionable?" People often say that life is sacred. But, says Singer, they almost never mean literally what they say. If they did, they would make at least as much fuss about the slaughter of pigs or chickens as they do about a human being. "When one says that life is sacred, one means human life. But why should human life have special value?" Singer describes the absurdity of the position that human life has special value with a specific case.

A mother gives birth to a child with Down syndrome and a heart defect, and an intestinal operation is necessary. The

mother refuses to allow the operation, but with the support of a child welfare agency the operation is performed. Intellectually and physically the child is retarded. It was reported that the mother had the impression that a severe injustice would have been done in allowing the operation. Singer's conclusion from this case is instructive:

In this case a being's life was maintained against the mother's wish at the cost of several thousand dollars. [This was done even though the being] would not be able to live independently or speak and think like a normal human being. What a contrast to the nonchalant way we deal with the lives of stray dogs, experimental monkeys and cattle. What justifies the distinction?

This case contains all of the elements that lead to Singer's new definition of a person.

1. Singer speaks of the Down syndrome child as a "being" (*Wesen*), but he is not more specific about what he means.

2. He makes a markedly clear distinction between this "being" and "a normal human being." Normal in Singer's idea means living independently, and thinking and speaking.

3. Does maintaining such a "being" make financial (cost-benefit) sense?

4. The parallelism of the Down syndrome child with "stray dogs, experimental monkeys and cattle," leads to the rhetorical question: "What justifies the distinction?" The answer Singer might be suggesting is: There is no distinction.

How then does Singer define a "human being?" He says a human being is a "member of the species *Homo sapiens*." He admits that "a fetus produced by human parents from the first moment of its existence is a human being; and the same holds for the most severe and incurable 'human vegetable.'" But clearly this does not follow from his example where he speaks of a "being" in relationship to stray dogs. Here his talk of human "being," "first moment of its existence," and "human vegetable" is imprecise.

But Singer then goes on to describe "human" in terms of "self-consciousness, self-control, sense of the future, past, the ability to relate to others, to grieve, communicate and be curious."

Singer understands "human" in two ways: 1) a "member of the species *Homo sapiens*" that is 2) endowed with the capacities of self-consciousness and communication. The fetus, the "human vegetable," and the newborn child are all indisputably members of the species *Homo sapiens*, but none of them possesses self-consciousness, a sense of the future or the ability to relate to others.

Singer goes a step further in that his concept of person is not confined only to human beings. "There can be persons

who are not members of our species. There can also be members of our species who are not persons." Thus, for Singer, belonging to the human species on the basis of biological data has no moral significance.

## Critique

Singer's work has been critiqued by a variety of scholars in philosophy, medicine and theology. We can only mention some of these critiques here.

According to Hans Rotter, "The human person is not merely a random instance of a general sort, but a specifically unique, irreplaceable reality." In contrast to Singer, the human person is not a developed form of the "species *Homo sapiens*," that is identical with chimpanzees in their personal character, but something "qualitatively unique."

Singer's concentration on the capacities of reason and self-consciousness is typical of idealistic philosophy. Ulrich Eibach has asked: "Is only the 'intellect' (reason) worth protecting?"

Arno Anzenbacher says that he sees no possibility of refuting Singer's argument as long as one stays exclusively on the level of arguing from right reason. Singer's position can only be disputed by recourse to the argument from classical natural law, and the natural determinedness of human existence.

Thomas Aquinas addressed this determinedness when he said that practical reason is related to the *inclinationes naturales* [natural inclination] as the "disposition to the grand, open scheme." In this horizon there is the possibility morally to argue and standardize problems of meaning and value with respect to the good life. The question of humanity is obviously not definitively answerable with reference to hu-

manity's determinedness. It is at the same time, says Anzenbacher, an open question that must include human self-understanding and self-determination.

But how can this idea have meaning for a severely debilitated infant in a coma? Jean-Pierre Wils maintains that the category of "human dignity" is no arbitrary, ideological self-designation of humanity. This category is much more the result of a history of injury and obstruction done to elementary rights where humanity is considered exclusively from utilitarian perspectives.

According to Wils, self-consciousness constitutes the identity of the person:

The knowledge that here lies a self, a person, presumes a distance: the distance of "remembrance." Only when I can place myself "as" this same person within a time span, and remember myself as the originator of "my" present actions in this time span am I a knowing self, a personal identity. Thus we are dealing with two different aspects of the "person": On the one side with the formal, immediate (and thus unalterable) given power of self-reflection, and on the other side with the qualified identity of the person with an unalterable self.

There are two aspects that belong to a person's self-consciousness: the givenness of its unalterable power, and the experience of identity which is a result of being able to distance oneself. This being-present-to-onself is part of a human being's neuro-biological make-up, and is permanent.

The actual possession of self-consciousness is the *conditio sine*

*qua non* of the qualified self, but only in a fragmentary sense. Completeness is only achieved on the basis of the pre-reflexive past and participation in the neuro-biological processes which are attained in the genesis of the person in his/her present. Thus, the genesis of the person is at least in principle included in the sphere of protection of the "actual" person (Wils).

Personality, then, is an intricate fabric woven within the horizon of time. From this perspective embryos, as well as newborns, are "persons," although they do not in actuality possess all of the conditions. Even comatose patients, or those with irreparable brain damage who no longer possess self-consciousness in actuality are still persons. They are subjects vested with a qualified self that bestows dignity, even if they cannot fight for and enforce it themselves.

Contra Singer, relationality means that other human beings, the social environment, are responsible for maintaining the dignity of people who are stricken, and are to protect their lives.

Psychiatrist Jochen Vollman also criticizes Singer's utilitarian ethics. He describes human life as a dynamic process. The actual protection of dignity cannot be determined by the criterion of pre-existing self-consciousness.

And what about the theological argument that human beings are created in God's image? The difficulty here in introducing a theological argument is obvious because the debate "demands a metaphysical background without introducing basic religious convictions" (A. Foitzik).

On the other hand, the image of God brings the dignity of human beings to

expression in a unique way. Personal dignity and thus the value of life is "transcendent" in the fact of life itself and dignity is proclaimed by God to every moment of life (U. Eibach).

The philosophical work of Anzenbacher and Wils has not ignored the theological foundation. The theological view stimulates and criticizes the moral, philosophical arguments. This is not the only, but it is still an important task of theology in the ethical debate.

There are many people who do not fit into Singer's understanding of person. The result is that there are people who are not worthy of protection and are thus to be killed. Into this category would fall severely deformed or retarded infants, as well as those who, because of accident, sickness, or old age, have lost the ability to continue or to understand the decision process.

### **Active and passive euthanasia**

In addition to the problem of defining person, there is a second problem: Is there no morally relevant difference between active and passive euthanasia? There is a difference, and not only in theology. Active euthanasia involves helping someone to die by shortening the death process either through lethal means or by means which will immediately result in death, e.g., withdrawing nourishment. Passive euthanasia involves going through the death process without ignoring one's basic responsibility to care for people.

Those who oppose the distinction between active and passive euthanasia argue that the result in both cases is the same—death. There is no morally relevant difference whether the doctor or someone else behaves actively or passively. Singer gives the example of a woman who was the victim of a car ac-

cident. In a coma, a large part of her brain destroyed, there is no prospect of recovery. Only a respirator and intravenous fluids keep her alive. Her parents visit her daily and suffer openly. One day they notice that the respirator is unplugged. If they do not plug it in, the victim will die. They consider the situation and decide not to replace the plug. A second scenario is just as circumstantial as the first, except that the respirator is plugged in and the situation can continue indefinitely. The doctors do nothing. After they consider the situation they give the patient a lethal injection. Singer concludes from this case that there is no ethically relevant difference between killing and allowing to die.

In order for Singer's position to have weight, one has to return again to a consideration of what it means to be a person. There is a difference whether I develop a concept of person and human dignity which expresses the inviolability of human life—philosophically and theologically—or whether I operate with a segmented concept of person which proceeds only from self-consciousness and communication and which advocates that human beings and animals are on the same level. This process calls forth "the wide range of theological arguments" (Klaus Demmer). Demmer recalls that "when one speaks of ethical responsibility an anthropological choice has been made." Thus the question of a morally relevant difference between active and passive euthanasia already implies the anthropological preliminary decision of how one outlines the close relationship between human life and dignity. The "anthropological option" flows into normative discourse.

Anton van den Beld claims that the feelings of contradiction and guilt are

greater in active, than in passive euthanasia. These feelings are elements in peoples' moral world of experience, and are not without significance. In addition to the "moral significance of these emotions," van den Beld makes a further point. The difference is not so much in the decision to kill or to allow to die, but in the intention. Thus the doctor who "intentionally" allows a newborn mongoloid child with a closed duodenum to die is as "morally problematic" as the doctor who "consciously, but unintentionally" kills a fetus during a hysterectomy. The difference is between intentional and unintentional.

In another connection, Gerhard Höver also sees the significance of the morally relevant distinction between active and passive euthanasia. There is, says, Höver, such a thing as "disinterested action" in the positive and negative sense. Feelings for others are the initial bases for assessing their interests or needs in a free, face to face encounter. In this sense "neglect" is understood as an act of allowing something to happen of itself, and this means to respect others in their total personhood.

The intensity of this "allowing things to take care of themselves" in the sense of increased openness, or in the negative sense of reservedness, is the fine line that people use to distinguish love from lovelessness. The distinction between action and neglect presumes that one learns to understand both forms of behavior as two different categories of freedom.

The "disinterested action" of allowing things to take care of themselves in the face of death provides a parameter for all those who care for others. Also here "feelings for others are the initial basis for assessing interests or needs." It

shows how important the distinction is between killing and *allowing* to die—between active and passive euthanasia. This does not exclude borderline cases and gray areas. It is not always clear how to act. As soon as this is the case, intention is decisive. Intention is the final criterion of the goodness and rightness of the action (K. Demmer).

Classically, the sources of moral theology are the object, the circumstances, and the goal of the action (intention). To proceed only on the basis of the object, in our case impending death, is not adequate for working out the morally relevant distinction between killing and letting die. All these elements must operate together in order to qualify an action as ethically good and right. But this action stands within the horizon of human ethical actions generally that go beyond the individual case, but always come again to new expression within it. Ethical action as the self-completion of humanity simultaneously also says something about our point of view toward others, final reality and toward God. When one decides to do good or evil, one becomes good or evil oneself and thus comes closer to or farther from the meaning of one's life. These actions happen in the "medium of time." It is understandable then that they can be determined by the orientation to the good as well as by human inadequacies and sin.

The theological-ethical contribution to the subject of helping others to die cannot be limited to critical argumentation against opposing views. That is why moral theology has spoken about "solidarity in the face of limits," and an "ethic of helping." It is these two ideas that contribute to human dignity and Christian death.

(BAA)